The Indiana Occupational Safety and Health Administration's response to Federal OSHA's settlement of claims regarding its enforcement of a revised hexavalent chromium standard for general industry.

Purpose: To state the enforcement policy of the Indiana Occupational Safety and Health Administration regarding the hexavalent chromium standard for general industry (29 CFR 1910. 1026) ("the Standard").

Enforcement Date: For all facilities falling within the jurisdiction of IOSHA and under the scope of the Standard, IOSHA will not issue any citations for violations under the Standard until March 27, 2007. This date is 60 calendar days removed from the effective date of January 26, 2007.

The purpose of this delay is to provide eligible facilities the opportunity to opt in to the terms of the alternate enforcement policy ("alternative enforcement") as described below. The alternative enforcement available in Indiana is substantially similar to the terms of Federal OSHA's settlement agreement (link: http://www.osha.gov/SLTC/hexavalentchromium/elect_sign_steelworkers.html) to settle claims regarding its enforcement of the Standard.

Term of this Policy: This Policy will expire on May 31, 2010.

Eligibility Criteria: An employer's facility is eligible to elect alternative enforcement if the employer is a member of the Surface Finishing Industry Council ("SFIC") or the facility is a surface-finishing or metal-finishing job shop that sells plating or anodizing services to other companies.

Options for Eligible Facilities: Eligible facilities may remain subject to the Standard as promulgated, in which case no action is required, or elect to be subject to the below alternative enforcement, in which case a facility must take the affirmative steps specified below.

Alternative Enforcement:

Alternative enforcement includes enforcement of the Standard as promulgated with only the following modifications. Facilities opting in to alternative

enforcement agree to the following:

1. **Accelerated implementation of engineering controls.** In accordance with 29 CFR 1910.1026(f)(1) the facility will implement those feasible engineering controls necessary to reduce hexavalent chromium levels at their facilities by December 31, 2008, to or below the 5 $\mu g/m^3$ PEL.

2. **Compliance plan and monitoring.** In accordance with 29 CFR 1910.1026(d)(4)(ii), each facility will prepare, and update as required, a written plan setting forth the specific control steps being taken to reduce employee exposure to or below the PEL by December 31, 2008. In addition, facilities will make an initial exposure determination as required by 29 CFR 1910.1026(d)(1) using either the procedures for personal breathing zone air samples described in 29 CFR 1910.1026(d)(2) or the performance-oriented option described at 29 CFR 1910.1026(d)(3). Thereafter, facilities will conduct periodic monitoring in accordance with the "Scheduled Monitoring Option" provisions at 29 CFR 1910.1026(d)(2) and related provisions at 29 CFR 1910.1026(d)(4)-(6). The facilities agree that upon request compliance plans prepared in accordance with this paragraph, as well as all monitoring results obtained in compliance with this paragraph, will be provided to IOSHA, affected employees and employee representatives.

3. **Respirator use.** The respiratory protection provisions at 29 CFR 1910.1026(f) and (g) will apply to the facilities in accordance with the terms and dates set forth in the Standard, except that prior to December 31, 2008, for facilities that are in compliance with this Agreement, IOSHA will enforce those respiratory protection provisions only with respect to employees who fall into one of the following six (6) categories: (1) employees who are exposed to hexavalent chromium in excess of the PEL while performing tasks described in Exhibit A to this policy; (2) through November 30, 2007, employees whose exposures to hexavalent chromium exceed a "respirator threshold" of 20 $\mu g/m^3$ (measured as an 8-hour TWA); (3) beginning December 1, 2007, employees whose exposures to hexavalent chromium exceed a "respirator threshold" of 12.5 $\mu g/m^3$ (measured as an 8-hour TWA); (4) employees who are exposed to hexavalent chromium and request a respirator; (5) any other employees who are required by the facilities to wear a respirator;

and (6) employees with exposures for which respirators were required under the previous hexavalent chromium standard (1910.1000) and any other employees covered by respirator programs in effect on May 30, 2006.

4. **Employee information and training.** Facility employees will be trained pursuant to the provisions of 29 CFR 1910.1026(l)(2). In addition, the facilities agree to train employees in the provisions of this policy no later than May 25, 2007. Such training shall be provided in language the employees can understand.

Opt-In Procedures: An eligible facility that chooses to opt-in to the alternative enforcement must do so by completing, and submitting to IOSHA, the opt-in form found in Exhibit B to this policy on or before March 27, 2007.

Effective: January 26, 2007

Lori Torres

Lori Torres
Commissioner,
Indiana Department of Labor

EXHIBIT A
WORKPLACE TASKS REQUIRING RESPIRATORS
WHERE PEL IS EXCEEDED

Some well-known and relatively few, discrete tasks related to metal finishing activities result in potentially higher workplace exposures of hexavalent chromium. Where the applicable PEL for hexavalent chromium is exceeded, respirators shall be worn to conduct the following activities:

1) Hexavalent chromium chemical additions. In order to have the metal deposited onto the part, hexavalent chromium must be added to the plating tank periodically. This is a discrete activity that involves the addition of either a dry flake of hexavalent chromium chemicals or a liquid solution of hexavalent chromium into the plating tank. Respirators shall be worn during the period it takes to add the hexavalent chromium chemical to the tank.

2) Hexavalent chromium preparation and mixing. Different mixtures of hexavalent chromium chemicals are needed for different types of chromium plating processes. For example, hard chromium plating can require higher concentrations of hexavalent chromium because a thicker coating and longer plating process may be needed for the critical product quality and performance. Similarly, different types of decorative chromium plating processes may need different levels of hexavalent chromium and other chemicals such as catalysts. These mixtures can be in the form of dry flakes or liquid solutions. All of these different hexavalent chromium chemical mixtures are generally prepared by metal finishing suppliers and distributors. Some metal finishing companies may also prepare hexavalent chromium solutions from the dry flakes prior to addition to the plating tanks. Respirators shall be worn during the period it takes to prepare these hexavalent chromium mixtures and solutions whether the activity is conducted at a chemical supplier or a metal finishing company.

3) Hexavalent chromium tank cleaning. Occasionally, the tanks used for chromium plating may need to be emptied and cleaned. This process would involve the draining of the solution and then the removal of any residues in the tank. Workers cleaning out these tanks may have to enter the tank or reach into it to remove the residues. Respirators (as

well as other appropriate PPE) shall be worn during the period it takes to clean the tanks and prepare them for use again.

4) Hexavalent chromium painting operations. Some metal finishing operations apply paints with higher concentrations of hexavalent chromium to a line of parts, particularly for aerospace applications when a high degree of corrosion protection is needed for critical product performance. Paints are generally applied in such operations with some type of spray mechanism or similar dispersion practice. In some instances, it may be difficult to keep workplace exposures below the PEL for such paint spraying activities. Respirators shall be worn during such spray painting operations.

EXHIBIT B
IOSHA HEXAVALENT CHROMIUM ALTERNATIVE ENFORCEMENT
OPT-IN DECLARATION FORM

Instructions: Please review the eligibility criteria below before completing this declaration. A separate form must be completed for each facility that an employer intends to opt-in to alternative enforcement. Completed declarations must be mailed to: **James Moore, Director of Industrial Compliance, IOSHA, 402 W. Washington Street, W-195, Indianapolis, IN, 46204.**

Deadline: Declarations must be received or postmarked on or before March 27, 2007.

Eligibility Criteria: An employer's facility is eligible to elect alternative enforcement if the employer is a member of the Surface Finishing Industry Council ("SFIC") or the facility is a surface-finishing or metal-finishing job shop that sells plating or anodizing services to other companies.

Required Information:
Employer/Company Name: _____
Facility Address: _____
Phone Number: _____
Facility Contact Person's Name and Title: _____
_____

I, _____ (name), am an authorized representative and agent of the employer named above, and by signing below I represent that:

1. The employer's facility named above satisfies the eligibility criteria as described above;
2. I have read and understand the attached IOSHA enforcement policy regarding 1910.1026, hexavalent chromium;
3. The facility named above will be subject to alternative enforcement as described in such policy and that failure to comply may result in enforcement action under the Indiana Occupational Safety and Health Act;

Print Name: _____ Title: _____

Signature: _____ Date: _____